IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.856 of 2007
Date of Decision: 22.3.2007

PSB Finance and Leasing Limited

Petitioner

versus

Surjeet Singh and another

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri Deepak Arora-I, Advocate for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed against award dated 18.1.2006 (Annexure P/6) passed by the Labour Court at Amritsar, ordering reinstatement of the respondent-workman with continuity of service and payment of 50% of the back wages. It was case of the respondent-workman that he was a permanent employee of the petitioner, his service was terminated on 30.6.2000 without any notice and also without payment of compensation, as was necessary under the provisions of Section 25-F of the Industrial Disputes Act, 1947. When conciliation proceedings failed, the matter was referred to the Labour Court, for adjudication. On notice, the petitioner management put in appearance and by filing reply to the claim application, relationship of master and servant was denied, by stating that the workman was working as a personal driver of the then Manager and was not an employee of the petitioner. To prove his claim, the respondent-workman appeared in the witness box and also produced Shri Swaran Singh, Clerk of the petitioner, as WW1, who has specifically admitted that the salary was being paid to the respondent-workman by the Company. To

show that the said witness was employed with the petitioner, Identity Card, issued to Swaran Singh, was brought on record. Not only this, the respondent-workman also placed on record, the logbook, showing entries, with regard to the Maruti Car bearing No.CH 7499. If the respondent-workman was a personal driver of the then Manager, it is very surprising as to why the logbook was being maintained. It is also apparent from record that after appearing for sometime, the petitioner-company failed to put in appearance and produce any evidence to rebut the evidence brought on record by the respondent-workman. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

March 22, 2007 **(Nirmal Yadav)**
gk **Judge**